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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

In re ADRIAN C., a Person Coming Under
the Juvenile Court Law.

B234493
(Los Angeles County
Super. Ct. No. CK87516)

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN AND
FAMILY SERVICES,

Plaintiff and Respondent,

v.

SERGIO C.,

Defendant and Appellant.

APPEAL from orders of the Superior Court of Los Angeles County. Debra Losnick, Juvenile Court Referee. Dismissed by opinion.

Michael A. Salazar, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance on behalf of Plaintiff and Respondent.

* * * * *

Appellant Sergio C. (Father) appeals from jurisdiction and disposition orders regarding the child Adrian C. Pursuant to *In re Sade C.* (1996) 13 Cal.4th 952, 994 and *In re Phoenix H.* (2009) 47 Cal.4th 835, 846, we dismiss the appeal.

FACTUAL AND PROCEDURAL BACKGROUND

On March 18, 2011, Adrian, born in 2004, came to the attention of the Los Angeles County Department of Children and Family Services (Department) through a referral alleging that Father had emotionally abused Adrian by exposing him to domestic violence. In the presence of the school principal, a social worker interviewed Adrian, who stated that Father was not being safe, responsible or respectful to his mother, M.S. (Mother) and that Father had hit Mother in the arm and made her cry. He also said that Father had punched Mother other times and called her names, and that he had been awakened by their yelling at each other. Adrian added that whenever his Father hurt his Mother, he felt he had to take care of her.

In a subsequent interview, Mother confirmed that Father had been hitting her and calling her names in front of Adrian. She also reported that Father would not tend to Adrian by giving him food or attention when the two were left alone. Father refused an interview with the social worker.

Mother and Father agreed to attend a team decision meeting on April 1, 2011, where they addressed the family's strengths and concerns, and designed a safety plan that involved Father remaining at an uncle's house, Mother filing a permanent restraining order to extend a temporary restraining order then in effect, Mother and Father establishing a visitation schedule through family law court, and the Department providing six months of voluntary family maintenance services.

Approximately one week later, Mother indicated she had been unable to obtain a permanent restraining order and Father declined to attend a follow-up appointment with the Department. After Father ultimately agreed to meet with the social worker, he stated that he was not satisfied with the investigation and denied that there was any domestic

violence in his home. He asserted that he believed his civil rights were being violated and requested a jury trial.

Determining that voluntary services had not been effective, on April 19, 2011, the Department filed a petition pursuant to Welfare and Institutions Code section 300, subdivisions (a) and (b),¹ which alleged that Mother's and Father's domestic violence placed Adrian at risk. At the detention hearing, the juvenile court found Father to be Adrian's presumed father. It found a prima facie case for removing Adrian from Father's care and ordered that Adrian remain with his Mother.

In the Department's May 18, 2011 jurisdiction/disposition report, Adrian reiterated that he had witnessed Father punch Mother several times over the past year. The report recommended that family maintenance services be provided to Mother and reunification services be provided to Father. In a last-minute information submitted on June 29, 2011, the Department reported that Father had denied ever hitting Mother or causing her to bruise. He stated he may have pushed her accidentally. He added that his criminal record showing he was charged in 1998 with corporal injury to a spouse was error.

Father testified at the June 29, 2011 jurisdiction hearing. He stated that on the day of the initial referral he got into an argument with Mother about making a key with the notation "do not duplicate." He denied hitting Mother or calling her names at any point during their eight-year marriage. He was unaware of Adrian's statements to the Department that he had seen him hit Mother.

After considering Father's testimony, receiving the Department's reports into evidence and listening to the arguments of counsel, the juvenile court sustained count (a)(1) of the petition, amending it to provide that Mother had been unable to protect Adrian and omitting a sentence regarding her use of a knife, and dismissed count (b)(1). The juvenile court expressly stated that it was "not finding the father's testimony credible

¹ Unless otherwise indicated, all further statutory references are to the Welfare and Institutions Code.

in any way.” After finding that Adrian was a person as described in section 300, subdivision (a), the juvenile court proceeded immediately to disposition. It declared Adrian a dependent of the court and placed him in Mother’s home with Department supervision. Father received reunification services in the form of parent education classes, individual counseling and domestic violence counseling. He also received monitored visits with Adrian, with the Department having discretion to liberalize the visitation.

Father appealed. On October 11, 2011, pursuant to *In re Phoenix H.*, *supra*, 47 Cal.4th at page 843, Father’s appointed counsel filed an “Opening Brief” setting forth the applicable facts and law, and informing this court that he found no arguable issues to be pursued on appeal and that he sent a copy of the record and the brief to Father. We permitted Father the opportunity to file a supplemental brief, which he has done. His brief is largely in the form of a declaration, in which he reiterates much of the trial testimony that the juvenile court found not credible. He also states that Department personnel withheld information from him, were rude to him and have made statements about him that are untrue.

DISCUSSION

“An appealed-from judgment or order is presumed correct. [Citation.] Hence, the appellant must make a challenge. In so doing, he must raise claims of reversible error or other defect [citation], and ‘present argument and authority on each point made’ [citations]. If he does not, he may, in the court’s discretion, be deemed to have abandoned his appeal. [Citation.] In that event, it may order dismissal. [Citation.]” (*In re Sade C.*, *supra*, 13 Cal.4th at p. 994.)

Father has failed to establish any error in the proceedings below or any legal basis for reversal. Both the jurisdictional and dispositional findings are reviewed under the substantial evidence standard. (*In re E.B.* (2010) 184 Cal.App.4th 568, 574.) Under this standard, we determine whether there is any substantial evidence, contradicted or

uncontradicted, which supports the juvenile court’s conclusion. (*In re Tracy Z.* (1987) 195 Cal.App.3d 107, 113.) “In making this determination, we draw all reasonable inferences from the evidence to support the findings and orders of the dependency court; we review the record in the light most favorable to the court’s determinations; and we note that issues of fact and credibility are the province of the trial court. [Citation.]” (*In re Heather A.* (1996) 52 Cal.App.4th 183, 193.)

Here, substantial evidence in the form of Adrian’s and Mother’s statements to the Department supported the juvenile court’s findings. Father’s contention is essentially that the juvenile court erred by not believing his testimony to the contrary. But “[i]t is the [juvenile] court’s role to assess the credibility of the various witnesses, to weigh the evidence to resolve the conflicts in the evidence. We have no power to judge the effect or value of the evidence, to weigh the evidence, to consider the credibility of witnesses or to resolve conflicts in the evidence or the reasonable inferences which may be drawn from that evidence. [Citations.]” (*In re Casey D.* (1999) 70 Cal.App.4th 38, 52–53.)

Because Father has not provided any reasoned argument or authority showing that any of the juvenile court’s rulings, as to matters properly within the scope of this appeal, constitute reversible error, we deem his appeal as having been implicitly abandoned.

DISPOSITION

The appeal filed June 29, 2011 is dismissed.

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_____, J.

DOI TODD

We concur:

_____, P. J.

BOREN

_____, J.

CHAVEZ